

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
☐ HARRISONBURG DIVISION ☐ HARRISONBURG or ☒ STAUNTON or
☒ LYNCHBURG DIVISION ☐ LYNCHBURG or ☒ CHARLOTTESVILLE

IN RE: LASHAWN HUBBARD DAVIS
PO BOX 633
CONCORD, VA 24538

CASE #: 605-62713-WA1-13

- ☒ INITIAL or ☐ SUPPLEMENTAL TRUSTEE'S REPORT
& OBJECTION FOLLOWING MEETING OF CREDITORS
and
☒ NOTICE OF MOTION FOR SHOW CAUSE ON DISMISSAL OF CASE or
☐ NOTICE OF MOTION TO RECONVERT CASE TO CHAPTER 7
☒ MODIFICATIONS, DOCUMENTS, OR ACTIONS REQUIRED or
☐ READY FOR CONFIRMATION


This is the Trustee's report following the ☒ initial or ☐ adjourned Meeting of Creditors, which was held on the date noted below; the Debtor ☒ did or ☐ did not attend; Creditors ☐ did or ☒ did not appear.

- ☒ The hearing on confirmation and Show Cause on Dismissal/Motion to Reconvert is to be held on Oct 13, 2005, at ☒ 9:30 a.m. or ☐ 10:00 a.m., as originally noticed;
☒ Modifications, documents, or actions are required as set forth on attached Exhibit "A"
☒ The Meeting of Creditors IS NOT adjourned;
☐ The Meeting of Creditors IS adjourned to _____, 200____, at _____:_____.m. - *Debtor's Attorney to notice Debtor of the continuance.*

Further, if modifications are required, they must be served upon all affected Creditors and other parties in interest, pursuant to the Local Rules of this Court, and noticed for hearing as of the date set forth for hearing on confirmation, or to such other date as the Court may advise Debtor's counsel.

WHEREFORE, your Trustee moves the Court to dismiss this original case or reconvert this converted case if the requested modifications, documents, and/or actions have not been completed at least ten days prior to the scheduled hearing on confirmation, and/or if the Debtor has failed to appear at the original or adjourned Meeting of Creditors, and/or if the Debtor is not current in Plan payments; and, for other relief as may seem just.

Dated: 8/26/2005
(Date of 341 hearing)


Herbert L. Beskin, Chapter 13 Trustee

Herbert L. Beskin, Chapter 13 Trustee
P.O. Box 2103, Charlottesville, VA 22902
Tel: (434) 817-9913; Fax: (434) 817-9916

CERTIFICATE OF SERVICE

A copy of this Trustee's Report and Objection Following Meeting of Creditors was ☐ delivered by hand or ☐ was mailed to the Debtor and Debtor's counsel on this 8/26/2005.



Herbert L. Beskin, Chapter 13 Trustee

EXHIBIT 'A' TO TRUSTEE'S REPORT (page 1)

Name(s): LASHAWN HUBBARD DAVIS 605-62713-WA1-13

- ☒ 1. The Debtor must commence making payments at the rate and in the amounts stated in the Plan. If the Plan calls for payments through an automatic wage deduction from an employer, the Debtor must make payments directly to Trustee until the wage deduction takes effect.
- ☐ 2. The Debtor or attorney must submit a pay-direct or wage-deduction Order to the Court within 10 days [provide the Trustee within 10 days correct employer payroll information (address, etc.) if a wage-deduction order is to be entered. (OK)]
- ☐ 3. The Debtor must resolve the following Trustee's objections to confirmation of the proposed Plan:
- ☐ A. Creditors would receive more if the Debtor(s) were in Chapter 7. 11 U.S.C. sec. 1325(a)(4).
Attorney to supply calculations.
- ☐ B. Plan fails to provide for all secured claims. 11 U.S.C. Sec. 1325(a)(5).
- ☐ C. Plan appears to be infeasible. 11 U.S.C. sec. 1325 (a)(6) ().
- ☐ D. Not all of Debtor's disposable income is committed to Plan payments. 11U.S.C. sec. 1325(b)(1)(B).
()
- ☐ E. Plan as proposed is under-funded
- ☐ F. Other: _____
- ☒ G. Note: Plan must pay 100% of unsecured claims because of Chap. 7 test / disposable income test _____.
- ☒ 4. The Debtor must provide the Trustee with the following documents:
- ☒ A. A copy of the Debtor's pay stubs, operating statements (if self employed), or government benefits (Social Security, Unemployment Insurance, etc.) for the two previous consecutive months.
- ☐ B. A copy of any previously filed Homestead Deed(s).
- ☐ C. Within _____ days a copy of all delinquent unfiled income tax returns, plus a statement confirming that returns have been filed with (as applicable) Special Procedures Div. of the IRS and the Bankruptcy Dept. of the VDOT in Richmond.
- ☐ D. A copy of the Debtor's real and personal property tax assessments (& recent appraisal, if available). (OK)
- ☐ E. A copy of deed conveying real property to Debtor(s).
- ☒ F. A copy of current car insurance declaration page stating term & kinds of coverage and total premium.
- ☒ G. Documents, properly summarized, to support: Support income
- ☐ H. A copy of the following State or federal income tax returns: _____
- ☐ I. Affidavit of financial support for the Debtor(s), on Trustee's form, from: _____
- ☐ J. Other: _____
- ☐ 5. The Debtor must provide the Trustee with the following information: _____
- ☐ 6. The Debtor must file the following Motion(s):
- ☐ A. Motion to Avoid Lien pursuant to terms of Plan for: _____
- ☐ B. Motion for Valuation Hearing pursuant to terms of Plan for: (filed - OK)
- ☐ C. Motion for Allowance of attorney's fees in excess of usually allowed amount.
- ☐ D. Motion to Make Plan Payments Directly
- ☐ E. Other: _____

EXHIBIT "A" TO TRUSTEE'S REPORT (page 2)

Name(s): LASHAWN HUBBARD DAVIS 605-62713-WA1-13

7. The Debtor must amend and refile the following Schedules to provide complete and accurate information:

- ☐ A. Schedule A: _____
- ☐ B. Schedule B: _____
- ☐ C. Schedule C: _____
- ☐ (1) Trustee objects to the following claims of exemption: _____
- ☐ D. Schedule D: _____
- ☐ E. Schedule E: _____
- ☐ F. Schedule F: _____
- ☐ G. Schedule G: _____
- ☐ H. Schedule H: _____
- ☐ I. Schedule I: _____
- ☐ J. Schedule J: _____
- ☐ K. Statement of Financial Affairs: _____
- ☐ L. Attorney Disclosure Statement: _____
- ☐ M. Form 21 (Soc. Sec. #): _____
- ☐ N. Petition: _____

8. The Debtor must amend the proposed Plan as follows:

- ☐ A. To provide for the surrender of collateral and time limitation on the filing of any deficiency claim, or for the surrender of collateral subject to specific terms, for the following secured creditor(s): _____
- ☐ B. To amend Plan to pay secured debt arrearage in full, or file objection to claim filed by lienholder (objection to be heard and/or resolved by the date of confirmation), for the following creditor(s): _____
- ☐ C. To provide for submission to the Trustee of copies of operating statements and proof of tax payments every calendar quarter during Plan (or Confirmation Order to provide for this).
- ☐ D. To increase Plan payments as follows: _____
- ☐ E. To correct proposed percentage payout to unsecured creditors.
- ☐ F. To provide for the payment by a co-Debtor, and for treatment of the claim in the event of default in payments by the co-Debtor, for the following creditor(s): _____
- ☐ G. To provide for the following priority or secured claims: _____
- ☐ H. Other: _____

9. The Plan needs to be re-noticed to:

- ☐ A. All creditors
- ☐ B. The following creditors: _____

☒ 10. Pay stub analysis cannot be completed until receipt of information requested in # 4. A.

☐ 11. Other: _____

☒ 12. Trustee withholding recommendation pending review of actions, information, or documentation requested.

☐ 13. At this time, nothing further is required, and Plan appears to be confirmable as is, provided that Debtor is current in Plan payments as of confirmation date.